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## NOTICE OF ALLOWANCE AND FEE(S) DUE

38396 7590 03/16/2006

JOHN BRUCKNER, P.C.  
5708 BACK BAY LANE  
AUSTIN, TX 78739



EXAMINER	
WELLS, NIKITA	
ART UNIT	PAPER NUMBER
2881	

DATE MAILED: 03/16/2006

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,770	11/19/2003	Michael A. Guillorn	UBAT1530	6209

TITLE OF INVENTION: VERTICALLY ALIGNED NANOSTRUCTURE SCANNING PROBE MICROSCOPE TIPS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1400	\$300	\$1700	06/16/2006

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS** FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-8SB (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

## HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER:** Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

**PART B - FEE(S) TRANSMITTAL**

Complete and send this form, together with applicable fee(s), to: **Mail** Mail Stop ISSUE FEE

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**INSTRUCTIONS:** This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including maintenance fees, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

38396      7590      03/16/2006

**JOHN BRUCKNER, P.C.**  
5708 BACK BAY LANE  
AUSTIN, TX 78739

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

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I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)

(Signature)

(Date)

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nonprovisional	NO	\$1400	\$300	\$1700	06/16/2006
EXAMINER	ART UNIT		CLASS-SUBCLASS		
WELLS, NIKITA	2881		250-306000		

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.  
 "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively,  
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 \_\_\_\_\_  
2 \_\_\_\_\_  
3 \_\_\_\_\_

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent):  Individual  Corporation or other private group entity  Government

4a. The following fee(s) are enclosed:

- Issue Fee  
 Publication Fee (No small entity discount permitted)  
 Advance Order - # of Copies \_\_\_\_\_

4b. Payment of Fee(s):

- A check in the amount of the fee(s) is enclosed.  
 Payment by credit card. Form PTO-2038 is attached.  
 The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number \_\_\_\_\_ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.  b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above. NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature \_\_\_\_\_

Date \_\_\_\_\_

Typed or printed name \_\_\_\_\_

Registration No. \_\_\_\_\_

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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10/716,770	11/19/2003	Michael A. Guillorn	UBAT1530	6209

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EXAMINER	
WELLS, NIKITA	
ART UNIT	PAPER NUMBER
2881	

DATE MAILED: 03/16/2006

## Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 18 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 18 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

<b>Notice of Allowability</b>	Application No. 10/716,770	Applicant(s) GUILLORN ET AL.
	Examiner Nikita Wells	Art Unit 2881

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to "Response to Office Action Dated: June 9, 2005" received 9 November 2005.
2.  The allowed claim(s) is/are 24-46,71-84 and 86-95.
3.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*
  - c)  None
 of the:
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying Indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 14 November 2005
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

Nikita Wells  
Primary Examiner  
Art Unit: 2881

## DETAILED ACTION

### *Allowable Subject Matter*

1. Claims 24-46, 71-84, and 86-95 are allowed.
2. The following is an examiner's statement of reasons for allowance:

The Applicant amended claims 24-33, 35-36, 38-40, 42, 46, 71-80, 82-83, 86-89, 91, and 95, canceled claim 85, and presented arguments in favor of allowance of the claims according to the "Response to Office Action Dated: June 9, 2005" received November 9, 2005. Claims 1-23 and 47-70 were previously withdrawn from consideration as being drawn to a nonelected invention. With respect to the independent claims 24 and 71, the Applicant demonstrated to the Examiner's satisfaction that the 35 U.S.C. 102(b) and 35 U.S.C. 103(a) rejections over the references of Lieber et al. (6,743,408 B2), Colbert et al. (2002/0084410 A1), and Merkulov et al. (2002/0117951), are not applicable to the Applicant's invention.

With respect to claims 24 and 71, Lieber et al., Colbert et al., Merkulov et al., as well as any other prior art, fail to disclose an apparatus, comprising a cantilever structure including, in combination with other recited features of the claim limitations: a substrate including a cantilever body; and a substantially vertically aligned, with respect to a plane of the cantilever body, elongated nanostructure coupled to the cantilever body.

Therefore, the independent claims 24 and 71 are allowed. The dependent claims 25-46, and 72-84 and 86-95, are allowed by virtue of their dependence upon claims 24 and 71, respectively.

Art Unit: 2881

The claim objections as spelled out on pages 3-6 of the “June 9<sup>th</sup> Office Action” are withdrawn after consideration of the explanations provided by the Applicant and the cancellation of claim 85.

*Conclusion*

3. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nikita Wells whose telephone number is (571) 272-2484. The examiner can normally be reached on 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, John R. Lee can be reached on (571) 272-2477. The central fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

5. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 10/716,770  
Art Unit: 2881

Page 4

A handwritten signature in black ink, appearing to read "Nikita Wells".

Nikita Wells, Primary Examiner  
Art Unit 2881  
March 13, 2006



O P E INFORMATION DISCLOSURE STATEMENT BY APPLICANT				Application Number	10/716,770
				Filing Date	November 19, 2003
				First Named Inventor	Guillorn
				Group Art Unit	2881
				Examiner Name	Fernandez, Kalimah / k / Ta Wells
Sheet	1	of	2	Attorney Docket Number	UBAT1530

## NON-PATENT LITERATURE DOCUMENTS

Examiner Initials	Cite No.	Citation
<i>MK</i>		"Scanning tunneling microscopy on rough surfaces: tip-shape-limited resolution" G. Reiss, J. Vancea, H. Wittmann, J. Zweck, and H. Hoffmann, J. Appl. Phys. <b>67</b> , 1156 (1990)
<i>MK</i>		"Scanning probe metrology" J. E. Griffith, D. A. Grigg, M. J. Vasile, P. E. Russell, and E. A. Fitzgerald J. Vac. Sci. Technol. A <b>10</b> , 674 (1992)
		"Characterization of scanning probe microscope tips for linewidth measurement" J. E. Griffith, D. A. Grigg, M. J. Vasile, P. E. Russell, and E. A. Fitzgerald, J. Vac. Sci. Technol. B <b>9</b> , 3586 (1991)
		"Scanning probe tip geometry optimized for metrology by focused ion beam ion milling" M. J. Vasile, D. Grigg, J. E. Griffith, E. Fitzgerald, and P. E. Russell J. Vac. Sci. Technol. B, <b>9</b> , 3569 (1991)
		"Scanning probe tips formed by focused ion beams" M. J. Vasile, D. A. Grigg, J. E. Griffith, E. A. Fitzgerald, and P. E. Russell, Rev. Sci. Instrum., <b>62</b> , 2167 (1991)
		"Formation of probe microscope tips in silicon by focused ion beams" M.J. Vasile, C. Biddick and H. Huggins. Appl. Phys. Lett., <b>64</b> , 575 (1994)
		"Sharpened electron beam deposited tips for high resolution atomic force microscope lithography and imaging" M. Wendel, H. Lorenz and J.P. Kotthaus, Appl/ Phys. Lett. <b>67</b> , 3732 (1995)
		"Mechanical properties of high-aspect-ratio atomic force microscope tips" G. Janchen, P. Hoffmann, A. Kriele, H. Lorenz, A.J. Kulik, and G. Dietler, Appl. Phys. Lett., <b>80</b> , 4623 (2002)
		"Carbon-nanotube tips for scanning probe microscopy: Preparation by a controlled process and observation of deoxyribonucleic acid" H. Nishijima, S. Kamo, S. Akita, Y. Nakayama, K.I. Hohmura, S.H. Yoshimura and K. Takeyasu, Appl. Phys. Lett. <b>74</b> , 4061 (1999)
<i>MK</i>		"WS <sub>2</sub> nanotubes as tips in scanning probe microscopy" A. Rothschild, S.R. Cohen, R. Tenne, Appl. Phys. Lett. <b>75</b> , 4025 (1999)
<i>MK</i>		"Growth and fabrication with single-walled carbon nanotube probe microscopy tips" C.L. Cheung, J.H. Hafner, T.W. Odom, K. Kim and C.M. Lieber, Appl. Phys. Lett. <b>76</b> , 3136 (2000)
Examiner Signature	<i>Miltita Wells</i>	Date Considered <i>March 13, 2006</i>

<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>				Application Number	<b>10/716,770</b>
				Filing Date	<b>November 19, 2003</b>
				First Named Inventor	<b>Guillorn</b>
				Group Art Unit	<b>2881</b>
				Examiner Name	<b>Fernandez, Kalimah</b> <i>Nikita Della</i>
Sheet	<b>2</b>	of	<b>2</b>	Attorney Docket Number	<b>UBAT1530</b>

### NON-PATENT LITERATURE DOCUMENTS

Examiner Initials	Cite No.	Citation
<i>MK</i>		"Improved fabrication approach for carbon nanotube probe devices" R. Stevens, C. Nguyen, A. Cassel, L. Delzeit, M. Meyyappan and J. Han, Appl. Phys. Lett. <b>77</b> , 3453 (2000)
<i>MK</i>		"Carbon nanotube tip probes: stability and lateral resolution in scanning probe microscopy and application to surface science in semiconductors" C.V. Nguyen, K.J. Chao, R.M.D. Stevens, L. Delzeit and M. Meyyappan. Nanotechnology, <b>12</b> , 363 (2001)
		"Wafer scale production of carbon nanotube scanning probe tips for atomic force microscopy" E. Yenilmez, Q. Wang, R.J. Chen, D. Wang, and H. Dai, <b>80</b> , 2225 (2002)
		"Single-wall carbon nanotube atomic force microscope probes" E.S. Snow, P.M. Campbell and J.P. Novak, Appl. Phys. Lett. <b>80</b> , 2002 (2002)
		"Catalytic growth of carbon filaments" R. T. K. Baker, Carbon, <b>27</b> , 315 (1989)
		"Patterned growth of individual and multiple vertically aligned carbon nanofibers" V. I. Merkulov, D. H. Lowndes, Y. Y. Wei, G. Eres, and E. Voelkl , Appl. Phys. Lett., <b>76</b> , 3555 (2000)
		"Shaping carbon nanostructures by controlling the synthesis process" V. I. Merkulov, M. A. Guillom, D. H. Lowndes, M. L. Simpson, and E. Voelkl, Appl. Phys. Lett.; <b>79</b> , 1178 (2001)
		"Sharpening of carbon nancone tips during the synthesis process" V. I. Merkulov, A. V. Melechko, M. A. Guillom, D. H. Lowndes, and M. L. Simpson, Chem. Phys. Lett., <b>350</b> , 381 (2001)
		"Controlled alignment of carbon nanofibers in a large-scale synthesis process" V. I. Merkulov, A. V. Melechko, M. A. Guillom, D. H. Lowndes, and M. L. Simpson, Appl. Phys. Lett. <b>80</b> , 4816 (2002)
		"Microfabricated field emission devices using carbon nanofibers as cathode elements" M.A. Guillom, A.V. Melechko, L.R. Baylor, V. I. Merkulov, E.D. Ellis, G.J. Bordonaro, M. L. Simpson and D.H. Lowndes, J. Vac. Sci. Technol. B <b>19</b> , 2598 (2001)
<i>MK</i>		"Self-aligned gated field emission devices using single carbon nanofiber cathodes" M. A. Guillom, A. V. Melechko, V. I. Merkulov, D. K. Hensley, M. L. Simpson, and D. H. Lowndes, Appl. Phys. Lett. <b>81</b> , 3660 (2002)
<i>MK</i>		"Individually addressable vertically aligned carbon nanofiber-based electrochemical probes" M.A. Guillom, A.V. Melechko, T.E. McKnight, D.W. Austin, V.I. Merkulov, M.L. Simpson and D.H. Lowndes, J. Appl. Phys. <b>91</b> , 3824 (2002)
Examiner Signature	<i>Nikita Della</i>	Date Considered <i>March 13, 2006</i>

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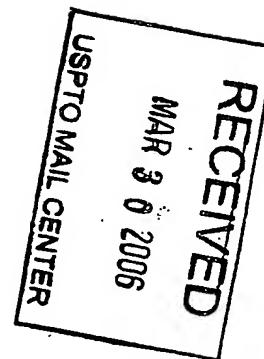
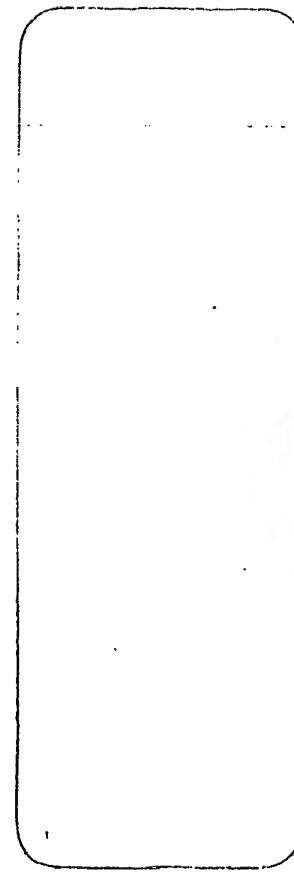
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